

Delaware Gift Laws

FINANCIAL DISCLOSURE	CODE OF CONDUCT	LOBBYING STATUTE	CRIMINAL LAW	EXECUTIVE ORDER 8
<p>Applies to: State "Public Officers" - All three branches and candidates for State office.</p> <p>29 Del. C. § 5812(a); rev. 29 Del. C. § 5812(n)¹</p>	<p>Applies to: "State employees, officers and honorary officials" & local gov'ts that do not adopt their own Code.</p> <p>29 Del. C. § 5804 & 68 Del. Laws, c. 443</p>	<p>Applies to: Lobbyists who must report gifts to "State employees," members of the General Assembly and "State agencies."</p> <p>29 Del. C. § 5831</p>	<p>Applies to: "Public Servants"- State & local employees & officers; judges; jurors, advisors or consultants for gov't functions; candidates.</p> <p>11 Del. C. § 1206 & § 1209(4)</p>	<p>Applies to: "Cabinet Secretaries, Division Directors or Persons of Equivalent Rank"</p> <p>Order No. 8, ¶ 1</p>
<p>Requirement: Report "gifts" of more than \$250</p> <p>29 Del. C. § 5813(a)(4)(e)</p>	<p>Requirement: Restricted from accepting other employment, any compensation, gift, payment of expenses, or any other thing of monetary value if it would result in: (1) impaired judgment; (2) preferential treatment; (3) decisions outside official channels; or (4) improper appearance.</p> <p>29 Del. C. § 5806(b)²</p>	<p>Requirement: List total expenditures on food, refreshment, entertainment, lodging, travel, recreation, gifts or contributions on employees or members of State agency and list recipient if expenditure is more than \$50 per day.</p> <p>29 Del. C. § 5835(b)</p>	<p>Requirement: A public servant is guilty of receiving unlawful gratuities when the public servant solicits, accepts or agrees to accept any personal benefit for engaging in official conduct which the public servant is required or authorized to perform, and for which the public servant is not entitled to any special or additional compensation.</p> <p>11 Del. C. § 1206³</p>	<p>Requirement: Report gift in excess of \$250 to the Governor's office on the first day of April, July, October, and January of each year.</p> <p>Order No. 8, ¶ 2</p>

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<p>Gift” definition</p> <p>“A payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.”</p> <p>29 <u>Del. C.</u> § 5812(o); rev. 29 <u>Del. C.</u> § 5812(h)</p>	<p>No statutory definition of “gift.” Commission uses plain and ordinary meaning for gift, but law also covers anything of monetary value.</p>	<p>No statutory definition of gift.</p>	<p>No statutory definition of gift.</p>	<p>Gift” definition</p> <p>Same as Financial Disclosure law.</p> <p>Order No. 8, ¶ 2</p>

FINANCIAL DISCLOSURE	CODE OF CONDUCT	LOBBYING STATUTE	CRIMINAL LAW	EXECUTIVE ORDER 8
Penalty: Willful failure to file - Class B Misdemeanor 29 <u>Del. C.</u> § 5815(a) Up to 6 months & \$1,150 11 <u>Del. C.</u> § 4606(b) Knowingly filing false material - Class A Misdemeanor 29 <u>Del. C.</u> § 5815(b) Up to 1 Yr & \$2,300 11 <u>Del. C.</u> § 4206(a)	Penalty: (1) Written Reprimand or Censure; (2) Remove, suspend, demote or take other appropriate disciplinary action (State employees & officers, but not elected officials); (3) Recommend honorary state official be removed 29 <u>Del. C.</u> § 5810(d)	Penalty: Knowingly furnishing false information - Misdemeanor 29 <u>Del. C.</u> § 5837(b) Up to 30 days & \$575 11 <u>Del. C.</u> § 4206(c)	Penalty: Receiving Unlawful Gratuities - Class A Misdemeanor 11 <u>Del. C.</u> § 1206 Up to 1 Yr & \$2,300 11 <u>Del. C.</u> § 4206(a)	EXECUTIVE ORDER 8 Penalty: None. Purpose of Executive Order is to provide public access to the information by publishing it on the Governor's web site. Order No. 8, ¶ 2

Administering Agency: Public Integrity Can Refer to AG to prosecute	Administering Agency: Public Integrity	Administering Agency: Public Integrity	Administering Agency: Attorney General	Administering Agency: Governor's Office
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Note: Agencies may adopt gift rules that are more stringent than the State Code of Conduct. Employees and officials should check with their agencies to insure they are in compliance with those policies.

1. Delaware Code Revisors renumbered definition sections in Title 29, Chapter 58. The first cite shows the original number; the second cite is current as of February 2004.
2. Merit Rule 15.2.1 contains similar language for Merit Employees; the Code of Conduct applies to all employees, officers and officials in the Executive Branch, the Merit Rule applies to Merit employees. The Merit Rules are available at: <http://delawarepersonnel.com/mrules/index.htm>
3. Delaware law also prohibits any person from giving unlawful gratuities to public servants. 11 Del. C. § 1205. Like the prohibition on receiving such gifts, offering or agreeing to offer is a class A misdemeanor.